



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/523,956

02/08/2005

Vasily Afanasievich Pilipchuk

U 015618-6

1567

140

7590

03/07/2007

LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, NY 10023

EXAMINER

LANGDON, EVAN H

ART UNIT

PAPER NUMBER

3654

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

03/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/523,956

Applicant(s)

PILIPCHUK, VASILY
AFANASIEVICH

Examiner

Evan H. Langdon

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/8/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the member creating an air flow is made of a screw, as claimed in claim 3, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 3654

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not understood what is meant by the claim limitation the member creating air flow is a "screw." The only definition is found on page 3, the "screw will create an air flow directed predominately parallel to the axis of rotation of the screw. For the purposes of examination, the limitation "screw" will be interpreted as the definition provided on page 3.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 and 4-5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Morritt (US 3,317,159).

Morritt discloses multiplying fishing reel 1 having a braking device for a spool 8 comprising

a member 30 which is set in rotation as the spool 8 rotates and which creates, when rotating, an air flow (col. 2, l 55-64); and

means 54, 60 for creating an adjustable resistance offered to the air flow (col. 4, l 14-36).

Art Unit: 3654

In regards to claim 2, Morritt discloses the member creating an air flow is made as an impeller, and the means for creating adjustable resistance to the flow comprise a movable choke 54, 60 (Fig. 1 and 4) installed in the path of the air flow.

In regards to claim 4, Morritt discloses the impeller 30 is disposed in a cylindrical hollow member 50,51,61 with slots 62 (col. 3, l 55-72) for the passage of an air flow, and in that adjoining the cylindrical hollow member is the turnable member 54 which closes, when turning, the slots in the cylindrical hollow member.

In regards to claim 5, Morritt discloses the slots 62 are made in the cylindrical surface of the cylindrical hollow member 50,51,61 (Figure 2 and 4), and the turnable member 54 is made as a ring with ports 60, the ring being arranged concentrically with the cylindrical hollow member, outside the latter (Figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morritt in view of Henze (US 2,190,786).

In regards to claim 3, Morritt fails to teach the member creating an air flow is made as a screw (creating an air flow directed predominately parallel to the axis of rotation of the screw).

Art Unit: 3654

Henze teaches a member creating air flow as a screw 26, 28 for creating air flow in a direction predominately parallel to the axis of rotation of the screw.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the air flow creating member of Morritt to be a screw as suggested by Henze, to more accurately direct the air flow.

In regards to claim 6, Morritt fails to show the slots made in the end face of the cylindrical hollow member. Henze teaches brake device with a member 23,26 which is set in rotation as the spool rotates and creates an air flow, where the slots 28 and made in the end face of a cylindrical hollow member 28 (Figure 1 and 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cylindrical hollow member of Morritt to include slots in the end face of the cylindrical hollow member as suggested by Henze, to create a more sufficient air resistance for the braking force upon rotation of the spool (col. 3, l 30-34). It further would have been obvious to modify the turnable member 54 with ports 60 of Morritt to be aligned with the end face slots to adjust the air flow.

In regards to claim 7, Morritt fails to teach an additional housing. Henze teaches an additional housing 10 so that the air flow circulates inside the housing (col. 3, l 7-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the braking device of Morritt to include an additional housing as suggested by Henze, to restrict the airflow and create a sufficient air resistance.

Art Unit: 3654

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'E. Langdon', with a date '3/2/07' written to its right.

Evan Langdon
Patent Examiner